CLASSIFICATION OFFICE DECISION

Title of publication:	YKzBXiS6TdE.jpg
Other known title(s):	Not stated
OFLC ref:	1600776.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	30 September 2016
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	29 September 2016

Summary of reasons for decision:

The computer image file explicitly depicts sexual activity involving a young man and three other men. The Classification Office has considered whether the image promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes in terms of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993, but concluded that it does not. The young man who the focus of the image may be aged in his late teens or early twenties, but the image is in such that it prevents any certainty, and he does not unequivocally present as a young person. The photograph explicitly depicts sexual activity, and is likely to have been taken with the express purpose of sexually arousing the viewer. Such material is inappropriate for children and young persons and is likely to be shocking to them. There is potential for harm in exposing young people to sexual material before they are developmentally ready, as it may negatively affect their development of sexual attitudes and behaviours. A mature understanding of sexual matters is required to contextualise the image. The computer image file is therefore restricted to adults. While this restriction limits the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990, it is considered reasonable and demonstrably justifiable in the interest of preventing likely injury to the public good.